

May 29, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, May 28, 2007, was held *Tuesday*, May 29, 2007, (due to Memorial Day) and was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Witcher, followed by the pledge of allegiance to the flag which was led by Alderman Hight.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, May 14, 2007, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communications # 1, 2, 3, 4, and 5 were accepted and filed (7/0).

1. Sharon Tedford, Mayor's Office memorandum re: retail beer off premises permit - change of manager for J & P Flash Market #123, 2541 Jacksonville Highway, by Keith Howard Mattox.
2. Sharon Tedford, Mayor's Office memorandum re: restaurant mixed drink and Sunday beverage - change of manager for Arre Mi Burrito, Inc., 11608 Maumelle Boulevard by Ygnacio Cervantes Hernandez.
3. Gary Mills, Director of North Little Rock Waste Water letter to Mayor Hays re: findings of the "2007 Rate Study and Long Term Financial Plan" presented by Mr. Dan Jackson of Economists.com, and acceptance of the same.
4. Sharon Tedford, Mayor's Office memorandum re: Sunday Alcoholic Beverage Sales - Restaurant Mixed Drink for Hay Chihuahua, 5500 MacArthur Drive, by Laura R. Loya.
5. Charlotte Thomas, Mayor's Office memorandum re: restaurant mixed drink and Sunday beverage - change of manager for The Olive Garden Restaurant #189 by Tina M. Dickerson.

On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, communication #6 was read by title only, accepted and filed (7/0).

6. Mayor Hays letter to City Council re: modifying City Services Building to accommodate employees who would consider walking, biking or participating in other forms of exercise in conjunction with and in relation to employment with the city.

Modifications would cost approximately \$8,000 - \$10,000 and would include locker facilities and limited exercise equipment. Mayor Hays said the health of the city workforce needed to be considered, as such, he looked into the possibility of converting an area of the basement in City Hall to include showers, lockers and exercise equipment. The cost was too great. However, there is an area in the City Services Building where showers could be installed (with a few other modifications) for approximately \$8,000.00 - \$10,000.00. This area could be utilized by North Little Rock employees before or after work or during lunch breaks.

UNFINISHED BUSINESS

R-07-45

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH RIVER TRAIL RENTALS, LLC. FOR PROPERTY LOCATED AT 200 SOUTH OLIVE STREET, NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. On the motion of Alderman Hight and seconded by Alderman Gaines, the resolution was amended as follows:: *attach* LEASE AGREEMENT *provided this date* (7/0). Mr. Dan Scott, Director of Neighborhood Services advised the River Trail Rentals, LLC would provide bicycle rental and storage. During the off-season, the building could be used as a “mini” hospitality house. The lessee intends to make improvements on the premises (fka old Firemen’s Lodge), up to \$24,000.00 and during the first 24 months of the lease, the Lessee would be given a credit for each month’s rent. Alderman Hight said the biking season is beginning and people in the area are looking forward to a place like this. The applicant would have concessions, including drinks (water, soda). Once established, the business would provide a source of income for the city. The legislation was then held at the request of the sponsor, Mayor Hays to allow council members time to review the lease agreement.

R-07-57 (**RESOLUTION NO. 7104 - MAYOR HAYS**)

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH LITTLE ROCK AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS A.F.L.-C.I.O., LOCAL NO. 35; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Gaines, and by consent of all members present, the resolution was amended as follows:: *attach* MEMORANDUM OF UNDERSTANDING (7/0). Mr. Bob Sisson, Finance Director reviewed raises and career development opportunities included in the memorandum. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted as amended (7/0).

O-07-40 (**ORDINANCE NO. 7944 - MAYOR HAYS**)

AN ORDINANCE AMENDING ORDINANCE NO. 7888, THE 2007 BUSINESS LICENSE SCHEDULE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, (Class 171 - Pawnbrokers), was read two times, May 14, 2007, was read a third and final time. On the motion of Alderman Gaines, and seconded by Alderman Bryant, and the roll having been called, and all members present, having voted in the

affirmative, with the exception of Aldermen Hight and Witcher who voted no, the ordinance was adopted (5/2). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Hight, who voted no, emergency clause adopted (6/1).

NEW BUSINESS

R-07-66

A RESOLUTION APPOINTING ROB BEST TO THE UNEXPIRED TERM OF VERNON McCLAIN ON THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was read. Ms. Whitbey advised a personal information sheet was not attached. The legislation was then held at the request of the sponsor, Mayor Hays.

R-07-67 (RESOLUTION NO. 7105 - MAYOR HAYS)

A RESOLUTION APPROVING CHANGING THE NAME OF 14TH STREET PARK TO LORENE JOSHUA PARK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Thomas, and by consent of all members present, the resolution was adopted (7/0). Mayor Hays thanked Mrs. Joshua for her many contributions to the city and the NAACP.

R-07-68 (RESOLUTION NO. 7106 - MAYOR HAYS)

A RESOLUTION ACKNOWLEDGING AND ENDORSING AN AGREEMENT BETWEEN THE U.S. ARMY CORPS OF ENGINEERS AND ARKANSAS INLAND MARITIME MUSEUM FOR THE DOCKING OF THE CORPS MOTOR VESSEL "LIPSCOMB" AT THE NORTH LITTLE ROCK MOORING FACILITIES ADJACENT TO THE USS RAZORBACK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderman Witcher. Mayor Hays said this agreement is a great opportunity for the city. Alderman Bryant said this is a historic operating vessel which has been in operation for 50 years. It continues to have many uses, including fire fighting capability. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-07-69 (RESOLUTION NO. 7107 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN INFORMAL INTERLOCAL AGREEMENT FOR THE CONSTRUCTION, OPERATION, AND UTILIZATION OF A BOAT DOCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Ross. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: *substitute copy provided this date* (7/0). Mayor Hays referenced the cost breakdown included in the amendment. On the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-70 (RESOLUTION NO. 7108 - MAYOR HAYS)

A RESOLUTION ENDORSING THE HIRING OF THE UNIVERSITY OF ARKANSAS AT LITTLE ROCK (UALR) TO PREPARE AND ECONOMIC ANALYSIS FOR THE REDEVELOPMENT DISTRICT OF THE CITY OF NORTH LITTLE ROCK #2 (“LOWER BARING CROSS REDEVELOPMENT DISTRICT”); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Gaines. Mayor Hays advised Mr. Jim Jackson was present. This resolution endorses him hiring UALR. Alderman Bryant said there would be no cost to the city. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

R-07-71 (RESOLUTION NO. 7109 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR LEGAL SERVICES RELATED TO THE LOWER BARING CROSS REDEVELOPMENT DISTRICT AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Witcher. On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows:: *insert WILLIAMS AND ANDERSON in the blanks* (7/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-72 (RESOLUTION NO. 7110 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE RETAINING OF MCCLELLAND ENGINEERING FOR DESIGN WORK ON A ROUND-ABOUT INTERSECTION AT PIKE AVENUE AND RIVERFRONT DRIVE IN THE CITY OF NORTH LITTLE ROCK, APPROPRIATING FUNDS (*not to exceed* \$55,000.00 from Street Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderwoman Ross. Mayor Hays discussed costs of the job and referenced Highway Department Funds and City Funds. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows:: *Section 1: insert ...at a cost NOT TO EXCEED Fifty-five Thousand & 00/100 Dollars* (7/0). After discussion regarding availability of funds, and on the motion of Alderman Bryant and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-73 (RESOLUTION NO. 7111 - MAYOR HAYS)

A RESOLUTION APPROVING A NORTH LITTLE ROCK ELECTRIC DEPARTMENT 2007 LINEMAN COMPENSATION PROPOSAL; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted (7/0).

R-07-74 (RESOLUTION NO. 7112 - ALDERMEN THOMAS AND ROBINSON)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER
INTO AN ENGINEERING CONTRACT WITH MARLAR ENGINEERING CO.,
INC., TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN PHASE OF 9TH
AND 10TH STREETS - FROM "I" STREET TO "C" STREET - STREET AND
DRAINAGE IMPROVEMENTS, 33RD YEAR (2007) CDBG PROGRAM, IN THE
TOTAL MAXIMUM LUMP SUM NOT TO EXCEED \$69,615.00; AND FOR OTHER
PURPOSES, was read. Mary Beth Bowman, Director of Community Development
advised funds are available in the 2007 CDBG Fund. On the motion of Alderman
Thomas and seconded by Alderwoman Robinson, and by consent of all members
present, the resolution was adopted (7/0).

O-07-42 (ORDINANCE NO. 7945 - MAYOR HAYS)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR
EMERGENCY WORK TO REPLACE THE ROOF AT THE POLICE AND FIRE
TRAINING CENTER (Ketcher and Company, Inc. - \$47,815.00 - Sales Tax Capital
Improvement Fund); DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by
Alderman Bryant, and by consent of all members present, the rules were suspended and
the ordinance was placed on its second reading (7/0). The ordinance was read a second
time. Alderman Thomas asked why bidding was being waived. Fire Chief Joe McCall
advised Fire and Training have been located in the building for approximately six years.
Expensive equipment is located in the building. Alderman Bryant asked if there is a
warranty on the roof and materials. Chief McCall said there was, but would double
check. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by
consent of all members present, the rules were again suspended and the ordinance was
placed on its third and final reading (7/0). The roll having been called, and all members
present having voted in the affirmative, the ordinance was adopted (7/0). Emergency
clause adopted (7/0).

Mayor Hays acknowledged State Representative Sharon Dobbins who was present and
thanked her for her work in the State Legislature.

O-07-43 (ORDINANCE NO. 7946 - MAYOR HAYS)
AN ORDINANCE ADOPTING REGULATIONS TO CONTROL DEVELOPMENT
AND SUBDIVISION OF LAND FOR THE CITY OF NORTH LITTLE ROCK;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor
Hays advised the Planning Commission has held public hearings regarding this proposal.
Mr. Robert Voyles, Planning Director advised the last revision to said regulations was in
1981. On the motion of Alderman Bryant and seconded by Alderman Witcher, and by
consent of all members present, the rules were suspended and the ordinance was placed
on its second reading (7/0). On the motion of Alderman Witcher and seconded by
Alderman Bryant, and by consent of all members present, the rules were again
suspended and the ordinance was placed on its third and final reading (7/0). The roll
having been called, and all members present having voted in the affirmative, the
ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-44

AN ORDINANCE AMENDING THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC) TO ADD SECTION 51-1, ET SEQ., AND ADOPT STORMWATER MANAGEMENT REGULATIONS; ESTABLISHING PENALTIES FOR

VIOLATION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Mayor Hays scheduled a public hearing for Monday, June, 11, 2007, at 7:05 p.m., he then held the legislation. Mayor Hays asked Mr. Ed Chapman, City Engineer to come forward and review the National Pollutant Discharge Elimination System, Phase II (of the Clean Water Act), for small Municipal Separate Storm Sewer Systems (*aka MSR's*). The ordinance would give the city more authority when issuing permits. Mr. Chapman reiterated this is as a result of a federal mandate.

O-07-45

AN ORDINANCE ADOPTING A PERMIT FEE SCHEDULE PURSUANT TO STORM WATER MANAGEMENT; SECTION 51-9 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC); AND FOR OTHER PURPOSES, was read.

On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time and held at the request of the sponsor, Mayor Hays.

O-07-46 (ORDINANCE NO. 7947 - MAYOR HAYS)

AN ORDINANCE ESTABLISHING ZONING IN AND AROUND ASHLEY DOWNS ADDITION TO THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-47 (ORDINANCE NO. 7948 - ALDERWOMAN ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTO DETAIL CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2324 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AND EMERGENCY; AND FOR OTHER PURPOSES, was read. On

the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson asked the owner/applicant if he understood the terms included in the ordinance. He agreed he did. On the motion of Alderwoman Ross and seconded by

Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: John Clairborne*).

PUBLIC COMMENTS-----

A lady (name was inaudible) lives in the downtown area (West 4th Street). Since the ballpark has opened people are parking in front of the fire hydrant in her neighborhood. She has asked Mr. Tim Marvin, Traffic Services about it. She said the street is narrow and cars coming from Broadway may have problems. Mayor Hays asked Chief Bradley to look into the situation. Mr. Steve Nicewater, an attorney, spoke for his client, Mr. (Darryl) Talley regarding a pending condemnation and asked for an extension. The three-unit apartment complex was to be “in-the-dry”, which it is. Mayor Hays said this matter is not before the council and asked the attorney to contact him. Mr. Nicewater said there are questions as to whether the property was condemnable.

There being no further business to come before the Council, and on the motion of Alderman Gaines and seconded by Alderman Witcher, and by agreement of all members present, the meeting adjourned at 8:30 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, June 11, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK